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13 ***Attorneys for Plaintiff Grand Canal Shops II, LLC***

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 GRAND CANAL SHOPS II, LLC,

17 Plaintiff,
18 vs.

19 RICCARDO IAVARONE; and DOES I
20 through X, inclusive,

21 Defendant.

22 Case No.: 2:12-cv-00213-APG-NJK

23 **O R D E R on**

24 **PLAINTIFF'S EMERGENCY MOTION
TO EXTEND TIME FOR DISPOSITIVE
MOTIONS AND JOINT PRETRIAL
ORDER (SECOND REQUEST)**

25 COMES NOW Plaintiff, GRAND CANAL SHOPS II, LLC by and through its counsel of
26 record, the law firm of Kaempfer Crowell Renshaw Gronauer & Fiorentino and hereby submits
27 this Emergency Motion to Extend Time for Dispositive Motions and Pretrial Order (Second
28 Request). This motion is submitted pursuant to LR 26-4 and moves this Court for an additional
29 thirty (30) days after a decision has been rendered on Plaintiff's Motion for Leave to File
30 Amended Complaint ("Motion") to submit dispositive motions and the Joint Pretrial Order
31 currently due May 28, 2013. This extension is sought in good faith to allow the parties to submit
32 dispositive motions subsequent to the Court's ruling on Motion.

1 As demonstrated herein, this extension is not sought for any improper purpose or delay
 2 and is warranted due to the parties not yet having an Order from the Court regarding the Motion
 3 which will impact Plaintiff's dispositive motions. Defendant's attorney does not intend to file
 4 any dispositive motions and therefore will not enter into a stipulation to extend the deadlines.

5 *See Affidavit of Lesley B. Miller, Esq. at Exhibit 1.*

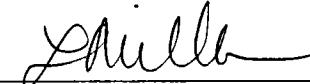
6 **Good Cause Exists to Extend the Dispositive Motion and Pretrial Order Deadlines**

7 Plaintiff filed its Motion for Leave to File Amended Complaint on December 18, 2012.
 8 On January 4, 2013 Defendant filed its Opposition to the Motion. Plaintiff filed its Reply on
 9 January 14, 2013. On January 7, 2013 the case was reassigned to Magistrate Judge Nancy J.
 10 Koppe for all further proceedings. On March 22, 2013, Plaintiff requested a status update
 11 regarding Motion from Magistrate Judge Koppe, but due to the case load, has not received an
 12 update. On April 15, 2013 the case was reassigned to Judge Andrew P. Gordon for all further
 13 proceedings. On April 24, 2013, the parties entered into their first Stipulation to Extend
 14 Dispositive Motion deadline from April 26, 2013 until May 28, 2013 and that same day it was
 15 approved by the Court. The parties had been hopeful that a decision would be rendered by the
 16 Court prior to this May 28, 2013 deadline, but due to the Court's caseload, that has not yet
 17 occurred.

18 Based on the foregoing, Plaintiff respectfully submits that good cause exists to extend the
 19 deadline to file (i) dispositive motions no later than thirty (30) days after the Court's decision on
 20 Motion and (ii) the Joint Pretrial Order no later than thirty (30) days after the Court's decision on
 21 Motion unless dispositive motions are filed in this action in which case, the date for filing the
 22 Joint Pretrial Order shall be suspended until thirty (30) days after all dispositive motions have
 23 been decided by the Court. Plaintiff submits this Motion in good faith and warrants that it is not
 24 made for any improper purpose or to delay.

1 DATED this 23 day of May, 2013.

2 KAEMPFER CROWELL RENSHAW
3 GRONAUER & FIORENTINO

4 BY: 

5 JAMES E SMYTH II (Nevada Bar No. 6506)
6 LESLEY B. MILLER (Nevada Bar No. 7987)
7 8345 West Sunset Road, Suite 250
8 Las Vegas, Nevada 89113
9 *Attorneys for Plaintiff*

10 **ORDER**

11 **IT IS SO ORDERED.**

12 Dated this 24th day of May, 2013.


13 **UNITED STATES DISTRICT JUDGE**

14 2:12-CV-00213-APG-NJK
15 Emergency Motion to Extend Time for Dispositive
16 Motions and Joint Pretrial Order (2nd Request)

CERTIFICATE OF E-SERVICE

Pursuant to Fed. R. Civ. P. 5(b) and Local Rule 5-4, I hereby certify that service was made this date of the foregoing **PLAINTIFF'S EMERGENCY MOTION TO EXTEND TIME FOR DISPOSITIVE MOTIONS AND JOINT PRETRIAL ORDER (SECOND REQUEST)** through the Court's CM/ECF electronic filing system to:

wecooper@williamcooperlaw.com
WILLIAM E. COOPER, ESQ.
William E. Cooper Law Offices
Attorney for Defendant

DATED this 23rd day of May 2013.

an employee of
Kaempfer Crowell Renshaw Gronauer & Fiorentino

EXHIBIT 1

EXHIBIT 1

1 STATE OF NEVADA)
2) ss.
COUNTY OF WASHOE)

3 **AFFIDAVIT OF LESLEY B. MILLER, ESQ.**

4 I, Lesley B. Miller, being first duly sworn, under penalty of perjury, deposes and states:

5 1. I am an attorney licensed in the State of Nevada, and an associate at the law firm
6 of Kaempfer Crowell Renshaw Gronauer & Fiorentino (“Kaempfer Crowell”), counsel of record
7 for Plaintiff GRAND CANAL SHOPS II, LLC (“Plaintiff”).

8 2. I have personal knowledge of all matters stated herein and would competently
9 testify as to the matters set forth herein and make this affidavit under penalty of perjury.

10 3. This Affidavit is made in support of Plaintiff’s Emergency Motion to Extend
11 Time for Dispositive Motions and Joint Pretrial Order.

12 4. Prior to filing this Motion, Plaintiff filed a Motion for Leave to File Amended
13 Complaint on or about December 18, 2012. The motion was fully briefed on or about January
14 14, 2013. On January 7, 2013 the case was reassigned to Magistrate Judge Nancy J. Koppe. On
15 April 15, 2013 the case was reassigned to Judge Andrew P. Gordon. The parties are currently
16 awaiting the Court’s decision on Plaintiff’s Motion and cannot file accurate dispositive motions
17 until the Court’s decision has been rendered. The deadline for filing dispositive motions was
18 originally set for April 26, 2013. On April 24, 2013 through a Stipulation and Order, the
19 deadline was extended to May 28, 2013 with the hope that a decision would be rendered.
20 Plaintiff is asking for an extension of thirty (30) days from the date a decision has been rendered
21 by the Court.

22 5. Plaintiff’s counsel is Lesley B. Miller and James E. Smyth of Kaempfer Crowell
23 Renshaw Gronauer & Fiorentino, 8345 West Sunset Road, Suite 250, Las Vegas, Nevada
24 89113, (702) 792-7000.

1 Defendant's counsel is William E. Cooper of William E. Cooper Law Offices, 703 S.
2 Eighth Street, Las Vegas, Nevada 89101, (702)385-5575.

3 6. The request for a second stipulation and order to extend time to file dispositive
4 motions has been discussed with Mr. Cooper. The defense does not plan to file any dispositive
5 motions and therefore will not approve his counsel entering into an additional stipulation. On
6 May 22 and 23, 2013 discussions were had with Mr. Cooper and he informed us that he was
7 unable to stipulate to an extension and was notified about this Motion. Plaintiff is not delaying
8 the conclusion of this matter by way of trial or otherwise; discovery has closed and no trial date
9 has yet been ordered.

10 || FURTHER YOUR AFFIANT SAYETH NAUGHT.

LESLEY B. MILLER, ESQ.

14 Subscribed and Sworn before me
this 23rd day of May, 2013.

16 NOTARY PUBLIC in and for said
County and State

17 My Commission Expires: 11/4/2015



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